

PB# 06-16

**Tom Yu
(SP)**

70-1-1.2

TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY
DATE: 9-28-07

06-16 Tom Yu Site Plan
Rt. 32 - (70-1-1.2) (Detay)

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#781-2007

10/04/2007

Yu, Unjoo *P.B. 06-16*

Received \$ 125.00 for Planning Board Fees, on 10/04/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PB# 06-16

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/03/2007

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LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 6-16

NAME: TOM YU SITE PLAN

APPLICANT: TOM YU

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/28/2007	PLANS STAMPED	APPROVED
06/14/2006	P.B. APPEARANCE	ND: APPR COND . ADDRESS MARK'S COMMENTS OF 6/14 - NEED SOMETHING IN WRITING . FROM D.O.T. PRIOR TO ISSUANCE OF C.O. - NEED "RIGHT TURN . ONLY" SIGN (ONLY IF D.O.T. AGREES)
05/24/2006	P.B. APPEARANCE	LA: WVE PH OCP DOT . NEED BULK TABLES - ADDRESS MARK'S COMMENTS - SEND TO OC . PLANNING - SEND TO DOT
03/22/2006	P.B. APPEARANCE - DISCUSSION	SUBMIT APPLIC
03/15/2006	WORK SHOP	GO- BOARD DISCUSSION

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/03/2007

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LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 6-16
NAME: TOM YU SITE PLAN
APPLICANT: TOM YU

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/08/2006	REC. CK. #0956	PAID		750.00	
05/24/2006	P.B. ATTY. FEE	CHG	35.00		
05/24/2006	P.B. MINUTES	CHG	77.00		
06/14/2006	P.B. ATTY. FEE	CHG	35.00		
06/14/2006	P.B. MINUTES	CHG	49.00		
08/15/2007	P.B. ENGINEER FEE	CHG	473.10		
09/17/2007	RET. TO APPLICANT	CHG	80.90		
			-----	-----	-----
		TOTAL:	750.00	750.00	0.00



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD

September 17, 2007

Tom Yu
40 Calico Road
Highland Mills, NY 10930

SUBJECT: P.B. #06-16 - NEW WINDSOR PLANNING BOARD

Dear Mr. Yu:

Please find attached printouts of fees due for subject project. There is a balance remaining in the escrow account in the amount of \$80.90 that will be returned to you by mail as soon as possible.

Please submit payment in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	\$	125.00
Check #2 – 2% of Cost Estimate (inspection fee).....	\$	75.00

Upon receipt of these checks, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason, Secretary To The
NEW WINDSOR PLANNING BOARD

MLM

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/03/2007

PAGE: 1

LISTING OF PLANNING BOARD **FEE**
APPROVAL

FOR PROJECT NUMBER: 6-16
NAME: TOM YU SITE PLAN
APPLICANT: TOM YU

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/17/2007	APPROVAL FEE	CHG	125.00		
10/02/2007	REC CK. #1067	PAID		125.00	
			-----	-----	-----
		TOTAL:	125.00	125.00	0.00

PLANNING BOARD

TOWN OF NEW WINDSOR

AS OF: 09/17/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 6-16
NAME: TOM YU SITE PLAN
APPLICANT: TOM YU

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/08/2006	REC. CK. #0956	PAID		750.00	
05/24/2006	P.B. ATTY. FEE	CHG	35.00		
05/24/2006	P.B. MINUTES	CHG	77.00		
06/14/2006	P.B. ATTY. FEE	CHG	35.00		
06/14/2006	P.B. MINUTES	CHG	49.00		
08/15/2007	P.B. ENGINEER FEE	CHG	473.10		
09/17/2007	RET. TO APPLICANT	CHG	80.90		
	TOTAL:		750.00	750.00	0.00

Jack,

Please issue a check in
the amount of \$80.90 to
close out escrow.

J. Y. Yu
9-19-07

Thank You,
Myra

AS OF: 06/15/07

PAGE: 1

HISTORICAL CHRONOLOGICAL JOB STATUS REPORT

JOB: 97-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)
 TASK: 46- 16

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	-----DOLLARS-----			
								TIME	EXP.	BILLED	BALANCE
6-16	217984	03/15/06	TIME	MJE	WS LEONARDO YU SITE PLAN	115.00	0.40	46.00			
6-16	219050	05/09/06	TIME	MJE	MR YU S/P (START)	115.00	0.40	46.00			
6-16	219167	05/17/06	TIME	MJE	WS TOM YU S/P	115.00	0.40	46.00			
6-16	219388	05/22/06	TIME	MJE	MR YU SITE PLAN	115.00	0.60	69.00			
6-16	219392	05/23/06	TIME	MJE	PM MFG GRASSMAN: COMMENTS	115.00	0.30	34.50			
6-16	219395	05/23/06	TIME	MJE	AA OODP REFERRAL	115.00	0.40	46.00			
6-16	219460	05/31/06	TIME	MJE	AA YU DOT REF	115.00	0.40	46.00			
6-16	219692	05/12/06	TIME	MJE	MR YU SITE PLAN	115.00	0.40	46.00			
6-16	219695	06/13/06	TIME	MJE	PM YU SITE PLAN	115.00	0.30	34.50			
6-16	219566	06/14/06	TIME	MJE	MM Yu Cond S/P APPL	115.00	0.10	11.50			
								425.50			
6-16	219881	06/27/06			BILL 06-1524					-425.50	
										-425.50	
					TASK TOTAL			425.50		-425.50	0.00
									0.00		0.00
					GRAND TOTAL			425.50		-425.50	0.00
									0.00		0.00

Client
 47.60
 \$ 473.10

TOM_YU_SITE_PLAN_AMENDMENT_(06-16)

Mr. Richard DeKay and Mr. Tom Yu appeared before the board for this proposal.

MR. ARGENIO: Application proposes change in use from a retail operation to a mixed retail with an eating establishment. Previously reviewed at the 24 May, 2006 planning board meeting. Guys, this' is the one over on Five Corners where he wants to put the ice cream stand, some anomalies about this site, Mr. Babcock, it's an improvement, I don't want to speak to you, Mike, is that correct?

MR. BABCOCK: That's correct.

MR. ARGENIO: You agree that it is an improvement, we restricted the parking on this.

MR. BABCOCK: We restricted the number of seats.

MR. ARGENIO: Restricted the number of seats. I'm going to go through Mark's comments for the benefit of Mr. Scheible and Fran to put in the minutes, this went to Orange County Department of Health.

MR. EDSALL: Planning.

MR. ARGENIO: I'm sorry, Planning, we heard back from them and their only concern was the access to Route 32 which we also have concern with, I think we talked about restricting an exiting vehicle to a right-hand turn only and I think that was the thrust of their letter as well. Is that correct?

MR. EDSALL: Correct.

MR. ARGENIO: Mark, do we need to declare negative dec under SEQRA for this?

MR. EDSALL: Yeah, it's a site plan amendment.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare a negative decision on the Tom Yu site plan, Route 32, Vails Gate. No further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to move on to number 4 and for benefit of the planning board members, I skipped presentation because he's presented twice on this simple basic plan but certainly if anybody wants him to explain anything on the plan chime in as soon as I get through these couple things here. I believe this condition, I'm reading from Mark's, I believe this application is worth considering conditional site plan approval with conditions as follows, final determination from the DOT for which we'll give him direction but we'll certainly want final blessing from DOT, bulk table, handicapped detail needs to be added, add a little striping, an estimate payment of fees. Guys, if anybody has any questions on this, please now's the time.

MR. EDSALL: I just want to make the record clear on the DOT issue because I don't want to make a condition of approval, if the DOT says no, leave it like it is, he's caught between a rock and a hard place that you have made a condition that DOT will not accept. My

suggestion is that you require that before he request a C.O. from the building department that he has something in writing from DOT clearly the Department of Planning and this board and myself all are concerned that it may be appropriate to put a right turn only sign in, we have forwarded to DOT and kind of clue them in that we think it might be safer.

MR. ARGENIO: This is the way we're heading, I agree.

MR. EDSALL: If DOT doesn't go along with it, it's no longer a condition of approval.

MR. DEKAY: Has it been submitted?

MR. EDSALL: It's been forwarded over and the reason we're making it a hook on C.O. it doesn't slow you down, it let's you keep going and we just need to get DOT to respond before you're ready to open up.

MR. ARGENIO: I'm in agreement with that.

MR. VAN LEEUWEN: Mr. Chairman, is a motion in order?

MR. ARGENIO: I think, Joe, do you have anything else on this?

MR. MINUTA: For the benefit of myself, can we just have a real brief, I don't have an understanding of the project.

MR. ARGENIO: I think you weren't at that meeting.

MR. MINUTA: I wasn't, can you just provide me a brief synopsis of what it is you're looking to do in your own words?

MR. DEKAY: Mr. Yu had a business there, a retail business where he sold cell phones and there was no seating, people would walk in, stand at the counter so

he's not changing anything outside, correct?

MR. YU: Yes.

MR. DEKAY: But he's changing inside, he's putting in 15 seats, two or three tables.

MR. ARGENIO: We restricted that too, Joe, he wanted more and based on conversations with Mike because of the limited parking we pulled the seats.

MR. MINUTA: So the seats are going to be fixed or seats are going to be movable?

MR. DEKAY: No, the seats will be added.

MR. MINUTA: Are they going to be fixed seats or like this?

MR. YU: Fixed seats.

MR. DEKAY: At a counter and at some, I think it's shown on that plan there.

MR. MINUTA: We have enough parking?

MR. BABCOCK: Yes, based on the seats, that's why we limited the number of seats.

MR. ARGENIO: We want to restrict that turn movement going out onto 32 to right hand only cause Mark and everybody here at that meeting kind of felt that left-hand turn would be a hazard.

MR. MINUTA: Absolutely, it's a great piece of land, problem with the access and the traffic cuing is very difficult.

MR. ARGENIO: Hopefully this business works with him.

MR. MINUTA: With regard to the building I'm seeing some landscaping, is that new landscaping proposed?

MR. YU: Yes, actually, I put it on myself something actually wasn't there.

MR. MINUTA: So you're enhancing the landscaping that's currently at the site?

MR. YU: Right, when you come to see you can see what I've got.

MR. MINUTA: Will you be doing anything with the building at all?

MR. YU: No.

MR. DEKAY: I'd like to make one comment, he had Certificate of Occupancy and there was no restriction on the right-hand turn so you're willing to go along with that, right?

MR. YU: Well, actually--

MR. DEKAY: They're all recommending it.

MR. ARGENIO: You need to do that.

MR. YU: Well, do I agree, actually, I was there since 1992 so actually I have the flower shop, I working 15 to 16 hours, I used to live in second floor which is over the floor shop, I know how many times they have car accidents, actually, when I see that only I saw only twice since 12 years people are really worried about so many car accidents, well, maybe the chairman maybe you can find out police department if he can find out how many accidents.

MR. ARGENIO: Mr. Yu, I can make this simple, that's fine, do you want to come back in front of us in six

months or so when we get that information cause we can certainly get that from the police department?

MR. YU: No.

MR. ARGENIO: The message is we're really trying to help you with this, we recognize that you're improving this, it's not great, we're not thrilled with it but we recognize the reality of the fact based on our input from Mike that it is an improvement from what's there now and that's what we're trying to do.

MR. YU: Okay, sir.

MR. VAN LEEUWEN: So it will be a right-hand turn.

MR. ARGENIO: You'll agree with that?

MR. YU: Yes, sir.

MR. MINUTA: I have nothing else.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: Make a motion to approve.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Tom Yu site plan Route 32 subject to the following, Mark, help me with this if I misspeak, subject to Mark's comments and subject to the no left-hand turn sign being put up and Mark, can you speak about the state again in your own words?

MR. EDSALL: You're making the condition, the condition only applies if the DOT approves that restriction, it's their jurisdiction, even if everybody in the world wanted to have it and DOT said no, it's DOT's decision.

June 14, 2006

45

MR. ARGENIO: Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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WRITER'S E-MAIL ADDRESS:

MJE@MHEPC.COM

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: TOM YU SITE PLAN
(PROPOSED RETAIL WITH RESTAURANT SEATING)
PROJECT LOCATION: NYS ROUTE 32 (VAILS GATE)
SECTION 70 - BLOCK 1 - LOT 1.2
PROJECT NUMBER: 06-16
DATE: 14 JUNE 2006
DESCRIPTION: THE APPLICATION PROPOSES A CHANGE IN USE FROM A RETAIL
OPERATION TO A MIXED RETAIL WITH EATING ESTABLISHMENT. THE
PLAN WAS PREVIOUSLY REVIEWED AT THE 24 MAY 2006 PLANNING
BOARD MEETING.

1. The project is located in the C zoning district of the Town. The uses (Retail and Eating Place) are Use Permitted by Right A-1 and A-18, respectively, both of which have the same bulk requirements.
2. This application was forwarded to the OCDP as per the GML. We have heard back from the County and they also note concern with regard to access restrictions to the site (as I did).
3. The Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA, and make a determination regarding environmental significance.
4. I believe this application is worth considering Conditional Site Plan approval, with conditions as follows:
 - That the applicant must receive a determination from the NYSDOT regarding any access restrictions prior to request for a Certificate of Occupancy, and if restrictions are required or recommended by DOT, the applicant shall install the signage prior to the C/O.
 - That a complete bulk table and parking calculation be added to the final plan.
 - That a handicapped detail be added to the plan.
 - That the applicant submits the required site improvement cost estimate for review.
 - Payment of all fees.

Respectfully Submitted,


Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st NW06-16-14June06

REGIONAL OFFICES

- 111 WHEATFIELD DRIVE - SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



PROJECT: Tom Yu P.B. # 06-16

NEGATIVE DEC:

M) Y S) G VOTE: A 5 N 0
CARRIED: Y ✓ N

PUBLIC HEARING: **WAIVED:** _____ **CLOSED:** _____

M) _____ S) _____ VOTE: A _____ N _____ SCHEDULE P.H.: Y _____ N _____

REFER TO Z.B.A.: M)_____ S)_____ VOTE: A_____ N_____

RETURN TO WORK SHOP: Y N

M) V S) G VOTE: A 5 N 0 APPROVED: 6/14/06

NEED NEW PLANS: Y_____ N_____

CONDITIONS – NOTES:

[illegible]



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 06-16

WORK SESSION DATE: 17 MAY 06 PROJECT: NEW OLD X

REAPPEARANCE AT W/S REQUESTED: Not now RESUB. REQ'D: new plan

PROJECT NAME: Tom Yu S/P

REPRESENTATIVES PRESENT: Pick Delia / Tom Yu

MUNICIPAL REPS PRESENT:
BLDG INSP. ENGINEER X FIRE INSP. PLANNER OTHER

ITEMS DISCUSSED:

Bulk
Ply cale

get in this off

need FI approval.

STND CHECKLIST:

DRAINAGE
DUMPSTER
SCREENING
LIGHTING
(Streetlights)
LANDSCAPING
BLACKTOP
ROADWAYS
APPROVAL BOX

PROJECT TYPE

SITE PLAN
SPEC PERMIT
L L CHG.
SUBDIVISION
OTHER

PROJECT STATUS:

ZBA Referral: Y X N

Ready For Meeting X Y N

Recommended Mtg Date

TOM_YU_SITE_PLAN_AMENDMENT_(06-16)

Mr. Richard DeKay and Mr. Tom Yu appeared before the board for this proposal.

MR. ARGENIO: This application proposes a change in use from a retail operation to a mixed retail with eating establishment. The plan was reviewed on a concept basis prior to this evening. What's your name?

MR. DEKAY: I'm Richard DeKay, land surveyor and Mr. Yu.

MR. ARGENIO: This is the near Leonardo's on Five Corners, I think the building is actually the cell phone store, is that correct?

MR. YU: Yeah, that's right.

MR. ARGENIO: Go ahead, Mr. DeKay for the record.

MR. DEKAY: When we were here the last time we discussed various notes that should be added to the plan, the one story concrete block building, we added the warehouse use of this building to remain the same, we also talked about the number of seats that were being proposed and we reduced the number of seats to 15 seats only.

MR. ARGENIO: At the request of this board.

MR. DEKAY: That's correct and now then what we did is we worked out the parking with Mark at the workshop to make sure that we had the right size parking areas and also the 25 feet that's required between the end of the parking to the curb line or the end of the pavement so that's all complied with and we have a total of 6 parking spots. Can you think of anything else that I should say?

MR. YU: No, that's it.

MR. ARGENIO: We're going to talk about this for a minute, if something comes to mind certainly chime in and you'll be recognized.

MR. VAN LEEUWEN: How many parking places do you have all total?

MR. DEKAY: We have 6 altogether.

MR. VAN LEEUWEN: What's going to be in the building?

MR. ARGENIO: You mean the warehouse, Henry?

MR. VAN LEEUWEN: Yeah because you've got two story frame building here.

MR. DEKAY: Well, he's renting the frame building, the one story.

MR. VAN LEEUWEN: That's the old bar.

MR. SCHLESINGER: Our concern is that warehouse use of this building is to remain the same.

MR. DEKAY: That's correct.

MR. SCHLESINGER: What's the same, what is it being used for?

MR. DEKAY: As a warehouse.

MR. SCHLESINGER: I don't know whether the warehouse and the use for the warehouse needs required parking spaces.

MR. MASTERSON: That I would have to verify, the existing lot is a non-conforming, pre-existing use, they reduced the table size within their establishment

to get down from the 8 to the 5 to meet what they can get in there but it is very important that the use of the warehouse remain as such cause any other use aside from the warehouse will have impacts to the required parking.

MR. ARGENIO: Neil, this is an application that if you, we can certainly we'll have the opportunity to discuss this a bit with Mike or Mark at further length or Andy because there's a couple of things that you folks need to do, Mr. DeKay and Mr. Yu, and I'm going to throw this out to the board, I'm going to ask this question about item number 3, I want to get a little feedback from my other members here. How do you feel about item number 3? I'll read it for the benefit of the board, the board should discuss the need for referral to the Department of Transportation with specific purpose being turning movement restrictions from the site, parenthetically left turns from the site onto Route 32 although currently not prohibited would be extremely hazardous. Neil, what are your thoughts on that?

MR. SCHLESINGER: You know, I haven't really gone out and examined it, I know it's a rough corner, it's a rough corner, I don't know, we named the person who owns the building in the back, I don't know what property he actually owns. I know there's a gas station on the corner, I think he may even own property that goes around the gas station. I also know that Mr. Yu is a very hard working man and if there's any way we can help him or we could, you know, direct him to make this work it would be great but it's a rough project.

MR. ARGENIO: I think everybody here, I don't want to speak for everybody here cause I'm only one member, I'm only one vote, but I think at the last meeting we kind of indicated the fact that we certainly do want to see this thing go but it needs to go within the bounds of the law and within the parameters set forth by the Town of New Windsor so Mr. Yu we're not being

obstructionists but because of this application's location, sheer geography based on it being close to 32 by law we have to refer to the County, okay, so there's no way we cannot legally give you an approval tonight, we have to refer this to the County of Orange which we'll do and wait for their response. But in the meantime, if there's some other things that we can address and get some of the other board members' concerns allayed we should use that time wisely and do that.

MR. SCHLESINGER: One other thing is that I think that Mr. Yu needs some sort of document from the owner saying that he has the right to use that parking area.

MR. ARGENIO: Does the same owner own both buildings?

MR. YU: Yes.

MR. VAN LEEUWEN: How about the old house?

MR. SCHLESINGER: Doesn't matter.

MR. VAN LEEUWEN: How about the old house, who owns that?

MR. YU: Mr. Leonardo.

MR. ARGENIO: Same person.

MR. VANE LEUWEN: The florist shop?

MR. YU: Actually, the flower shop is also belongs to Mr. Leonardo too.

MR. ARGENIO: Neil, the concern and I think that we reviewed this at the meeting when you were absent, the big concern is as long as the warehouse continues to remain a warehouse and does not have a demand for parking, the parking works. That's the purpose of the

note being added on the plan, but the minute they turn that warehouse into something else and they create a need for parking then we have the problem. But getting back to my original question, Neil, feedback on number 3 please?

MR. SCHLESINGER: Yes.

MR. GALLAGHER: I agree also.

MR. VAN LEEUWEN: I agree.

MR. ARGENIO: I think so too, what we're agreeing to we're going to send this to the DOT to get their feedback on it and certainly our intent is not to send you there to get the entire intersection reconstructed, we're asking them if they want for safety purposes a left turn restricted out onto 32. Am I interpreting that comment correctly?

MR. MASTERSON: Correct.

MR. ARGENIO: Reading the--

MR. MASTERSON: Due to the volume that's in the area and the cue lengths and lack of--

MR. VAN LEEUWEN: Can I ask a question? What are you, what's going to go into this warehouse because that you haven't answered that yet?

MR. SCHLESINGER: It's going to stay a warehouse.

MR. VAN LEEUWEN: What kind of a warehouse is it going to be is what I'm asking?

MR. YU: Right now he do use for, he do actual many things in there more than 50 years but he does cheese manufacturing actually but he doesn't do any retail, he supplies to only supermarkets which is West Point or

like Federal things he supplies to there.

MR. ARGENIO: He has no retail?

MR. YU: He's working 9 to 12 three hours five days a week.

MR. ARGENIO: Item number 4 is some things your architect needs to clean up on the plans, I don't think there's any brain surgery there. Sir, do you have the comments?

MR. DEKAY: Well, I'd just like to make one comment here that my client, Mr. Yu, had a bonafied occupancy permit and use for the building for your prior business, correct?

MR. YU: Correct.

MR. DEKAY: And it's the same, everything is exactly the same only we're just changing the use from standing at a counter to sitting down and now all of this review it looks like you're backtracking when it has already been approved. How long were you there, I mean, I don't think it's fair to make this man go through what he's going through, he's paying rent on an empty building, I'll grant you--

MR. VAN LEEUWEN: He doesn't own the building?

MR. DEKAY: No, Leonardo owns the building, this man pays rent. I'm just saying you're backtracking and you're making this guy the fall guy for all the so-called problems that are coming up now which were either addressed by a prior planning board and they approved it.

MR. ARGENIO: Mr. DeKay, things are dynamic, that intersection is dynamic, everything is dynamic and things change, traffic patterns change and traffic

volumes change, since the last time any application was here for this parcel we now have a Hannaford's down the road which certainly has an impact on the intersection and this planning board, if there's a change in use of the property and if I misspeak, correct me, has the legal obligation and legal right to review the new use of the property and that's all we're doing, we're trying to keep this as simple as we can. The law requires that we send this to Orange County Planning, we're required by law to do it, it's not like we're saying Mr. Yu, we want to do this.

MR. DEKAY: You're talking about DOT?

MR. ARGENIO: Because the use is being changed we're obligated to send it to Orange County Planning, prudence would dictate it because the area's so busy and Five Corners has become busier over the past five or seven years, whatever, you started with the cell phone place or whoever started with the cell phone place, we have an obligation to see to the safety of the motoring public, the people going in and out of there, we're going to send it to DOT, I'm sorry you feel like you're the fall guy but you're not the fall guy but it's a change in use and there's things that we have to do.

MR. YU: I have to say one thing, even the last time I talked to you maybe 18, even the 3 or 6, it doesn't matter, I'm not trying to put in a Home Depot, I mean, actually we have at this moment Mr. Leonardo he approves it, he wouldn't sign it, he say okay, come, I will help you whatever you can put, it used to be a bar and restaurant in there many years just since then I opened the game store.

MR. ARGENIO: Mr. Yu, I think this is better.

MR. YU: Definitely so I try to, he try to help me so okay, let me approach the Town, did 6 parking spaces,

he say he sign it and I didn't bring it actually he signed about last week.

MR. ARGENIO: We're not giving you a bad time about that, I don't want to have a debate, I really don't because I think it's a better use, I think everybody on the board thinks it's a better use, we'd rather have that there than the bar and the cell phone store is fine but there's things we have to do and we're going to do them. We don't have a choice. You're speaking to me like it's subjective on our behalf and it's not. I don't want to have a debate but I do want to go through this and review it the way we're obligated to review it. There's some minor clean-up things for handicapped stall which are no big deal, item 5 I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Tom Yu site plan amendment on Route 32. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Get a little feedback on number 6.

MR. VAN LEEUWEN: I don't think we have to go through a public hearing.

MR. GALLAGHER: I don't think it's necessary.

MR. VAN LEEUWEN: I think he's been through enough.

MR. SCHLESINGER: No, same owner, same area, you know.

MR. ARGENIO: I agree we should, I'll accept a motion to that affect.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing on the Tom Yu site plan amendment per its discretionary judgment. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: We just saved you two months there.

MR. ARGENIO: Try not to look at the glass as half empty, it's half full, we have people here postured to see this happen, but there's things that we have to do. Myra, we're going to refer this to Orange County Planning, yes?

MS. MASON: Yes.

MR. ARGENIO: Have you prepared the appropriate information?

MS. MASON: Yes.

MR. ARGENIO: Okay, so let's do that and we should, we're going to get some feedback from DOT, some non-binding feedback so we can take a look at it and Myra, the fire inspector has seen this?

MS. MASON: Yes.

MR. ARGENIO: What say he on this?

MS. MASON: He did approve this.

MR. ARGENIO: He approved this so there's another step in the right direction. Approved but please note the following comments, exit signs are needed, emergency lighting needed, smoke detectors needed, alarm system needed, I don't think there's any brain surgery there, I'm surprised he approved it, it's a tight site but he approved it so and this is a good thing for Mr. Yu.

MR. VAN LEEUWEN: Can I say something? Did you have an attorney when you signed a lease for this property?

MR. YU: Yes.

MR. VAN LEEUWEN: You did? Well, he didn't do right by you, I don't know who he is and I really don't care but that should have been taken of when the planning board approved it, he should know that this has to go through the Planning Board and this has to go to the County Board.

MR. SCHLESINGER: He's been there for a while, he had, give you an update, he has a store that's operating there now selling cell phones and games, he's been there for what three, four years so he just wants to change the use now so he thought he could just do it and change the parking and be done with it.

MR. YU: I was there since 1992, actually the flower store same landlord.

May 24, 2006

23

MR. ARGENIO: Thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENT@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: TOM YU SITE PLAN
(PROPOSED RETAIL WITH RESTAURANT SEATING)
PROJECT LOCATION: NYS ROUTE 32 (VAILS GATE)
SECTION 70 – BLOCK 1 – LOT 1.2
PROJECT NUMBER: 06-16
DATE: 24 MAY 2006
DESCRIPTION: THE APPLICATION PROPOSES A CHANGE IN USE FROM A RETAIL
OPERATION TO A MIXED RETAIL WITH EATING ESTABLISHMENT.
THE PLAN WAS REVIEWED ON A CONCEPT BASIS.

1. The project is located in the C zoning district of the Town. The uses (Retail and Eating Place) are Use Permitted by Right A-1 and A-18, respectively, both of which have the same bulk requirements.

The plan submitted does not include a bulk table, which it should. Any non-conformities relative to the building should be noted as pre-existing, non-conforming, since no building footprint changes are proposed, and the "new use" has the same bulk requirements.

The plan also does not include a parking calculation, which it should. From my review, it appears that the site as it currently exists would require 8 parking spaces, with only 5 spaces available. For the proposed "eating & drinking establishment use", based on the seating, 5 spaces are required and provided.

2. The applicant, as requested, has added parking space locations and dimensions for clearance on site for vehicle movement. The plan should be reviewed by the Fire Inspector's office for adequate access.
3. The Board should discuss the need for a referral to the NYSDOT, with specific purpose being turning movement restrictions from the site (left turns from the site onto Route 32, although currently not prohibited, would be extremely hazardous).

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

4. Some additional specific comments regarding the plan are as follows:

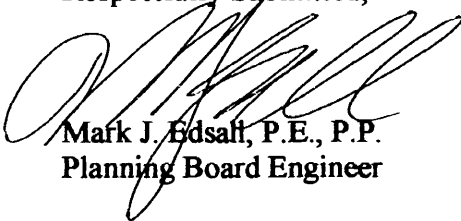
(a) Pursuant to a policy memorandum dated 23 February 1989 from the Town Building Inspector, a complete detail for the handicapped parking space and associated sign(s) should be provided on the plans. Note the following typical requirements:

- All striping for the handicapped space must be blue. When a standard space adjoins a handicapped space, a double line should be installed, one blue, one white.
- The handicapped parking space cross-hatched access lane and the parking spaces should be eight (8) foot in width.
- Per new code requirements, a sign is required in front of the cross-hatched access lane of the handicapped parking space. The sign must read "No Parking - Any Time".

(b) Is a dumpster proposed on the site? If so, it should be shown.

5. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
6. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan Amendment, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.
7. This project is located on NYS Route 32 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). I have prepared the referral form for the Board's secretary.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW06-16-24May06



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

31 May 2006

New York State Department of Transportation
Permit Inspection Unit Office
112 Dickson Street
Newburgh, New York 12550

ATT: Siby Mary Zachariah-Carbone, Permit Engineer, Orange County East

SUBJECT: TOM YU SITE PLAN AMENDMENT
(CONVERSION OF RETAIL USE TO RETAIL & EATING ESTABLISHMENT)
NEW WINDSOR PLANNING BOARD NO. 06-16

Dear Ms. Zachariah-Carbone:

The Town of New Windsor Planning Board has received an application for site plan amendment approval for the conversion of the existing retail store to a retail store with seating (eating establishment) for the property located at NYS Route 32 at the "Five Corners", Vails Gate, within the Town. The Planning Board has determined that the applicant will be required to obtain a Highway Work Permit from your Department.

We are forwarding herewith a copy of the plan submitted with the application for your review and comment. We request that you notify the Planning Board of any concerns regarding this application, which should be considered by the Board during their review of the project. *We specifically address your attention to the access curb cuts and seek your preference whether signage and movement restrictions are appropriate.*

It is not the intent that these plans be considered the plans required for the Permit application, as these will be the responsibility of the applicant following site plan approval from the Town.

We look forward to your input regarding this application before the Board.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD

Mark J. Edsall, P.E., P.P.

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW06-16-DOT ref 05-31-06

Sent 6-1-06



COUNTY OF ORANGE

EDWARD A. DIANA
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533
www.orangecountygov.com/planning

DAVID CHURCH, A.I.C.P.
COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING **239 L, M OR N REPORT**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by: New Windsor Planning Board

Reference/County ID No.: NWT16-06M
Tax Parcel ID: 35-1-68

Applicant: Tom Yu

Proposed Action: Site Plan

Reason for Review: Within 500' of St Rte 32

Date of Full Statement: May 30, 2006

Comments: The Department has received the above application for a retail conversion to include an ice cream shop with seating for 15, and offers the following:

- Although this project appears to have no major impact upon State or County facilities nor have any significant inter-municipal issues, the proximity to the five corner intersection should alert the Planning Board to issues of access management. The Department suggests the Board work closely with the owner/applicant to address concerns of ingress & egress with respect to businesses located so close to the intersection.
- It is also consistent with the County Comprehensive Plan and local laws.
- Having no further comments, from a County perspective, the Department recommends that the Planning Board proceed with its decision-making review process.

County Recommendation: Local Determination

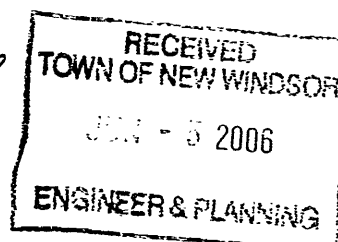
Date: May 30, 2006

Reviewed By: Kathy V. Murphy, Planner


David Church, AICP
Commissioner of Planning

"IMPORTANT NOTE: As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning."

P.B. #06-16



cc: M.E.

ORANGE COUNTY DEPARTMENT OF PLANNING

124 Main Street
Goshen, NY 10924-2124

APPLICATION FOR MANDATORY COUNTY REVIEW OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 06-16 (Please include this number on any correspondence)

1. Municipality Town of New Windsor

Public Hearing Date: not set

City, Town or Village Board _____ Planning Board X Zoning Board _____

2. Owner: Name: Samuel Leonardo
Address: 7 Dogwood Hills Rd, Newburgh, NY 12550

3. Applicant * Name: Tom Yu
Address: 40 Calico Lane, Highland Mills, NY 10930

***If applicant is owner, leave blank**

4. Location of Site: NYS Rt. 32 (at Five Corners)
(Street or highway, plus nearest intersection)

Tax Map Identification: Section: 70 Block: 1 Lot: 1.2

Present Zoning District: C Size of Parcel: 1.2 +/- Acres

5. Type of Review:

***Site Plan

Zone Change: From = To: =

Zoning Amendment: To Section _____

**Subdivision: Number of Lots/Units _____

***Site Plan: Use Convert Retail to Retail & Ice Cream Shop

Date: 5-24-06

Signature & Title: Mark J. Edsall, P.E.

Mark J. Edsall, P.E., 
Planning Board Engineer

Sent 5/25/06



RESULTS OF P.B. MEETING OF: May 24, 2006

PROJECT: Tom Yu

P.B. # 06-16



LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y_____N_____

TAKE LEAD AGENCY: Y ☒ N ☐

M) ✓ S) 3 VOTE: A 5 N 0

CARRIED: Y ☒ N

NEGATIVE DEC:

M) S) VOTE: A N

CARRIED: Y N

PUBLIC HEARING:

WAIVED: ☒

CLOSED:

M) V S) S VOTE: A 5 N 0

SCHEDULE P.H.: Y ☐ N ☒

SEND TO O.C. PLANNING: Y ☒

SEND TO DEPT. OF TRANSPORTATION: Y ✓

REFER TO Z.B.A.: M) _____ S) _____ VOTE: A N _____

RETURN TO WORK SHOP: Y N

APPROVAL:

M) S) _____ VOTE: A _____ N _____ APPROVED: _____

NEED NEW PLANS: Y _ N

CONDITIONS – NOTES:

Need Bulk Table

Address Mark's comments

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/24/2006

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 6-16
NAME: TOM YU SITE PLAN
APPLICANT: TOM YU

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	05/19/2006	MUNICIPAL HIGHWAY	05/24/2006	APPROVED
REV1	05/19/2006	MUNICIPAL WATER	/ /	
REV1	05/19/2006	MUNICIPAL SEWER	/ /	
REV1	05/19/2006	MUNICIPAL FIRE	05/24/2006	APPROVED
		. PLEASE NOTE THE FOLLOWING COMMENTS FOR BUILDING REQUIREMENTS		
		. EXIT SIGNS NEEDED; EMERGENCY LIGHTING NEEDED; SMOKE		
		. DETECTORS NEEDED; ALARM SYSTEM NEEDED.		
REV1	05/19/2006	NYS DOT	/ /	
ORIG	05/08/2006	MUNICIPAL HIGHWAY	05/10/2006	APPROVED
ORIG	05/08/2006	MUNICIPAL WATER	05/19/2006	SUPERSEDED BY REV1
ORIG	05/08/2006	MUNICIPAL SEWER	05/19/2006	SUPERSEDED BY REV1
ORIG	05/08/2006	MUNICIPAL FIRE	05/19/2006	SUPERSEDED BY REV1
ORIG	05/08/2006	NYS DOT	05/19/2006	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/24/2006

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 6-16

NAME: TOM YU SITE PLAN

APPLICANT: TOM YU

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
03/22/2006	P.B. APPEARANCE - DISCUSSION	SUBMIT APPLIC
03/15/2006	WORK SHOP	GO- BOARD DISCUSSION

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#373-2006

05/09/2006

Yu, Unjoo Or Dong *P.B. #06-16*

Received \$ 125.00 for Planning Board Fees, on 05/09/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/08/2006

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 6-16
NAME: TOM YU SITE PLAN
APPLICANT: TOM YU

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/08/2006	REC. CK. #0956	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

Mei
5/9/06

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Genaro Argenio, Planning Board Chairman

FROM: Wm. Horton, Asst. Fire Inspector

SUBJECT: Wal-Mart Real Estate
Square Hill Rd.
SBL: 4-1-1.1

DATE: May 24, 2006

Fire prevention reference Number: FPS-06-018

A review of the above referenced site plan has been conducted and is unacceptable for the following reasons:

- 1) Need to see fire hydrant and Fire Dept. connection on building.**
- 2) Location of Fire Dept. connection for sprinkler system (new bldg. is 6781 sq. feet)**



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

RECEIVED

MAY 09 2006

N.W. HIGHWAY DEPT.

TO: HIGHWAY DEPARTMENT

P.B. FILE #06-16 DATE RECEIVED: 05-08-06 TAX MAP #70-1-1.2

PLEASE RETURN COMPLETED FORM TO MYRA
BY: A.S.A.P. TO BE ON AGENDA FOR THE 05-10-06 PLANNING BOARD
MEETING.

THE MAPS AND/OR PLANS FOR:

TOM YU SITE PLAN

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: _____

☐ DISAPPROVED:

Notes: _____

Signature: _____

Reviewed by

date

4/10/06



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: E 911 COORDINATOR

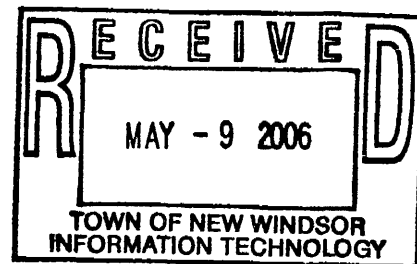
P.B. FILE #06-16 DATE RECEIVED: 05-08-06 TAX MAP #70-1-1.2

PLEASE RETURN COMPLETED FORM TO MYRA
BY: A.S.A.P. TO BE ON AGENDA FOR THE 05-10-06 PLANNING BOARD
MEETING.

THE MAPS AND/OR PLANS FOR:

TOM YU SITE PLAN

Applicant or Project Name



SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: _____

☐ DISAPPROVED:

Notes: _____

Signature: _____

Reviewed by

date

McDonald 5/9/06

March 22, 2006

19

PRESUBMISSION:

LEONARDO_SITE

MR. ARGENIO: Last thing we have this evening is Leonardo site plan, Vails Gate. We're going to chat with you folks a little bit I think here.

MR. DEKAY: I'm Richard DeKay, land surveyor.

MR. ARGENIO: What do we have here?

MR. DEKAY: We're at the Five Corners, Tom Yu rents the building from same Leonardo and that was formally a retail establishment.

MR. ARGENIO: Which building?

MR. DEKAY: The old Route 32 bar, it's shaded there.

MR. ARGENIO: So he rents that building?

MR. BABCOCK: Right next to the gas station.

MR. ARGENIO: Okay.

MR. DEKAY: He has a retail approval now right but now he would like to change the use to a coffee shop.

MR. ARGENIO: What are you doing with the building now?

MR. YU: Used to be a bar.

MR. DEKAY: There won't be any change to the building exterior that already has a handicapped ramp and we have sufficient parking around it as I've indicated the question comes up as to the use of the building itself as far as being a stand-up, people come in, stand at a counter and people coming in and sitting down and having a cup of coffee.

MR. ARGENIO: What was the use before?

MR. YU: Before they have a long time they have a bar, Route 32.

MR. ARGENIO: That's not your bar?

MR. YU: No, that was not my bar.

MR. BABCOCK: Right now it's a retail store, they sell games and so on and so forth.

MR. ARGENIO: All the neon in the front window, I think I know the building.

MR. BABCOCK: Now he wants to make an ice cream and coffee shop with seating.

MR. ARGENIO: Outside or inside?

MR. YU: Inside.

MR. ARGENIO: What does the code say?

MR. BABCOCK: We've got a parking issue, that's why we're here.

MR. EDSALL: If he was changing from cell phones and games to selling ice cream, it would be retail to retail, the introduction of the seating creates the need for this board.

MR. BABCOCK: Now it becomes a restaurant.

MR. ARGENIO: So it is a different parking calculation.

MR. BABCOCK: That's correct.

MR. ARGENIO: So he doesn't have the amount of stalls.

MR. BABCOCK: That's correct.

MR. ARGENIO: That's what I'm hearing by what number?

MR. EDSALL: Well, if you take the thousand square foot of floor area that's there now he would need 7 parking spaces to support the retail. Mr. DeKay shows more than 7 on the plan and if you use the reverse and say if he's got 7 he will be allowed 21 seats. The problem is not that the numbers, the calculation, it's the shape of the lot, the availability of the spaces, there's some that are a little difficult to get to but more importantly I think we need to make the applicant understand that this one story concrete building in the back is having no parking assessed to it, currently it's not being used, the old cheese sales building.

MR. SCHLESINGER: It's not vacant?

MR. EDSALL: There is no active use.

MR. SCHLESINGER: No active retail use.

MR. BABCOCK: That's correct.

MR. SCHLESINGER: Yeah, well, we used to sell cheese and Italian products.

MR. ARGENIO: Talking about today.

MR. BABCOCK: Are they operating out of the back building?

MR. YU: Yeah, right now he only open 9 to 5, not 9 to 5, 9 to 12, three hours Monday through Friday, he do supply to supermarkets only to no retail.

MR. EDSALL: It's like a storage.

MR. SCHLESINGER: What happens if the person who's in there now sells it tomorrow to somebody that wants to put in a retail store?

MR. EDSALL: That's exactly the problem we have to understand that right now Mr. Yu's parking spaces may work fine for his limited use, if that building ever became operational, we've got a major problem on this site.

MR. ARGENIO: Well, the whole thing is on one lot, yes?

MR. EDSALL: Yes.

MR. DEKAY: Wouldn't they have to come back to you to get approval if they change the use?

MR. BABCOCK: If they change the use but if they have the current use, they wouldn't, I don't even know what the current use is.

MR. SCHLESINGER: Mark, wouldn't this be an issue between landlord and tenant if the tenant turns around and says to the landlord I want to put a new restaurant and I'm going to have 7 parking spaces and I have 7 parking spaces then the landlord's got to say well, that's okay with me, but what happens when if I rent the store out to somebody else that needs also 7 parking spaces, don't you think that's something that should be addressed between landlord and tenant?

MR. EDSALL: What Mike and I have been discussing there's got to be something from the owner of the property documenting that this large building is not retail, is not approved nor will be used as retail and just effectively a warehouse.

MR. SCHLESINGER: And he knows if anybody wants it for retail.

MR. EDSALL: He has to come back for approval and you couldn't grant it cause there's not enough parking spaces.

MR. BABCOCK: It's clear we're trying to work with the applicant, he feels he wants to put that type of business in this thing, we would like to help him do that. You want to make sure it's going to work as far as we're concerned, we don't want people parking on 32 and going in to get ice cream, that's where our problem is, we would like to see the guy open his business, I'm sure the owner of the building would like to collect the rent, so we're trying to help the guy if we can.

MR. ARGENIO: What does the owner of the property legally need from us?

MR. BABCOCK: We're looking for some direction from you guys.

MR. ARGENIO: Well, Mike, I feel the same way you do, I'd like to see the man do business but certainly what Neil brings up is a very good point is that if that rear building, if Mr. Leonardo and I assume that's the owner's name, wants to do, pick a use anything other than what he has now to generate traffic and we have two traffic generators on that postage stamp of a site, we have a problem, how do we handle that, do you have a suggestion?

MR. BABCOCK: We get Mr. Leonardo to give him a letter.

MR. EDSALL: He'd write it to the Town.

MR. BABCOCK: Give us a letter stating that he doesn't have any use for this building, it's a warehouse or whatever and he will not have any use and that he approves this gentleman to have this parking area for his building.

MR. ARGENIO: Andy, how binding is that? Is that something that's going to put us in a jam at some point in time? I think that's a good idea, Mike, but I certainly don't want to as you said be in a situation where there's cars parked on 32 and the Town Supervisor calls me and says what the heck did you do here and I say well, we have a letter and he says well, the attorney says the letter doesn't work. Andy, do you have a thought on this?

MR. KRIEGER: The, in terms of it's who the letter is binding on and so forth, I'd have to see the letter but I'm frankly skeptical whether such a letter could be created that would be binding on anybody. What is binding, however, is the Town Law, they don't have the parking, they don't have the parking.

MR. ARGENIO: So we can shut them down at any time?

MR. EDSALL: What we're discussing is any site plan that has a particular use for a building in my mind is binding until such time the Planning Board approves a change of that site plan. If the plan showed that this concrete building was either warehouse or wholesale warehouse and could not be used for retail and that was on the plan and the owner signed the plan your approval restricts the use of that building.

MR. ARGENIO: I think that's a step.

MR. KRIEGER: I like that better.

MR. ARGENIO: That's a step further than a letter, I like that so what we're talking about is filing a plan with the owner's signature on it and Mark we had a conversation about notes on plans before, I won't get into that now with a note on the plan saying that the front will be used for the sale of ice cream and the back the use of the back, Mark, are you with me, the use of the back won't change from what it is right now

and we can tell him move forward based on that premise?

MR. EDSALL: Correct.

MR. KRIEGER: What it said is that the use, not that it won't change from what it is now, but the use is as warehouse and it won't and that it won't change, need both.

MR. SCHLESINGER: I'd like to take that a step further, I think that the landlord should be aware of sometime down the road, one year, two years, 15 years that if he gets a change of heart and he wants to change it, he should know now what the ramifications will be.

MR. ARGENIO: Well, he will know that.

MR. SCHLESINGER: If he turns around to the landlord I would think that the landlord would say you can use this for what you're using it now and only that, if you want to change the use, you have to get my approval. But I think if I was the landlord, I'd want to say it sounds good to me, I'd love for you to have an ice cream stand there and I would too but I want to protect my interests in this property here also, if you have an ice cream stand, use the parking spots, what's going to happen to me down the line and I think that the landlord should be aware of that otherwise I think it could come back to haunt us.

MR. ARGENIO: The landlord, I agree the landlord will be aware because of what's on the plan, Mark, where is that map filed, if we can do that, that map?

MR. EDSALL: The map would be filed in the Town Clerk's office, we could take it a step further and if there are any restrictions just acknowledge those, something that would be recorded out at the County Clerk's Office or filed with the County Clerk's office, I don't know if you need to go that far.

MR. ARGENIO: Let's keep this on a local level, Mr. Yu, you need to get something from your--

MR. DEKAY: We can add a note use of this building to remain the same.

MR. EDSALL: No, we want to have it say the specific use and have it also say--

MR. ARGENIO: I'm going to give that to you guys.

MR. EDSALL: The other thing which you need to talk about looking for some guidance what you feel comfortable with for a number of seats on the seating side. Mr. Yu's made it clear that this is not primarily to establish a whole herd of seats, he's going to have walk-in, walk-out but he wants some seating, maybe you can talk to him about what his preference is.

MR. SCHLESINGER: What's the code?

MR. BABCOCK: It's three seats for every space.

MR. EDSALL: Parking space.

MR. SCHLESINGER: What about employee spaces?

MR. BABCOCK: Doesn't require.

MR. SCHLESINGER: And health department if I'm not mistaken I believe over something like 20 or 21 seats then they have other requirements so that's something you have to address.

MR. BABCOCK: They're showing 18 people would sit down.

MR. ARGENIO: Looking for 18 and the code would allow 21.

MR. EDSALL: If you take the square footage of retail and convert it to seating.

MR. ARGENIO: Tell me, Mike, is 15 or 18 seats problematic for you?

MR. BABCOCK: No.

MR. ARGENIO: As the building inspector?

MR. BABCOCK: That's right.

MR. ARGENIO: What do you say we call the number 15, can we do that?

MR. EDSALL: It's for you guys.

MR. YU: That's no problem for me.

MR. ARGENIO: That also will be on the plans.

MR. EDSALL: Yes.

MR. ARGENIO: Mark, would you take care of that verbiage?

MR. EDSALL: They're here for presubmission conference, this is a little bit tricky now, Mr. DeKay can move forward with the application and we'll work with him to get all the notes.

MR. ARGENIO: Get along with the landlord.

MR. YU: I met him this morning about the parking spots, he said that's no problem because we have more than enough parking spots actually never uses, we always empty that spot so I--

MR. ARGENIO: But you don't have an ice cream stand

there now.

MR. YU: I asked him how many parking spots can I get, he said only need 3, after 3, you can have all, he told me that this morning.

MR. ARGENIO: That brings it down to 12, Mike, brings the count down to 12.

MR. BABCOCK: Fifteen, would be 15.

MR. ARGENIO: Twelve or fifteen, you pick it.

MR. BABCOCK: Well, you need one space for every three seats.

MR. ARGENIO: So if they have 7 minus 3 for the landlord says 4.

MR. EDSALL: He's got more than that shown on the plan, it's a matter of--

MR. ARGENIO: I thought you said 7.

MR. EDSALL: If you take the amount of retail space.

MR. ARGENIO: Make it 15 seats, that's the end of that.

MR. GALLAGHER: Question for you, what kind of trucks does he receive in the back of the warehouse?

MR. ARGENIO: Back of the warehouse or back of the little building?

MR. GALLAGHER: Old cheese shop and which way does the trucks go in through the parking lot, if they do, are they going to go right through the parking lot?

MR. ARGENIO: How does he get deliveries in the back?

MR. BABCOCK: No, I think they're in the front.

MR. YU: Comes in the front.

MR. EDSALL: What types of trucks, vans?

MR. YU: Actually, believe it or not he's not doing the business, he opened the shop for the hobby, he told me well probably everybody knew him, he's very old, he's not dependent on money.

MR. ARGENIO: Mark does engineering for a hobby.

MR. SCHLESINGER: Does he own the gas station property?

MR. YU: Yeah but that's a separate lot.

MR. SCHLESINGER: Does he own where the flower shop is?

MR. BABCOCK: Yes.

MR. SCHLESINGER: Is there access to that property by the flower shop there also?

MR. BABCOCK: Yes, that's how everybody gets in.

MR. SCHLESINGER: Cause there's maybe more to the ball of wax here.

MR. ARGENIO: Look, here's the deal.

MR. EDSALL: One of the other questions we were just discussing is that there's these other routes to get through, the problem is if he ever sold one of the lots off and there's no easements we could end up with a problem for access.

MR. ARGENIO: I don't know how well relevant it is because the verbiage you're going to craft for the plan is going to say as long as the use of the warehouse

doesn't change, Mark, you with me on that?

MR. EDSALL: I'm with you.

MR. ARGENIO: As long as the use of the warehouse doesn't change is what the verbiage will say, he can sell ice cream so we're trying to, it's kind of unique here and Five Corners is a busy place and but that's what I think. We're waiting for the side bar.

MR. EDSALL: We're finalizing, we've got it under control, we're just refining things here.

MR. BABCOCK: We'll take care of that.

MR. ARGENIO: What does he need from us tonight?

MR. EDSALL: Nothing.

MR. ARGENIO: There's your direction, you want direction, there's your direction.

MR. DEKAY: Thank you.

MR. ARGENIO: Motion to adjourn.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. GALLAGHER AYE
MR. SCHLESINGER AYE

March 22, 2006

31

MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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☐ Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpea@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor

P/B APP. NO.:

100-3
06-16

WORK SESSION DATE: 15 MAR 06

PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED: N.Y.D.

RESUB. REQ'D: N.Y.D.

PROJECT NAME: Yu S/P - Change in Use.

REPRESENTATIVES PRESENT: Tom Yu / Dick DeKra

MUNICIPAL REPS PRESENT:

BLDG INSP. X
ENGINEER X
P/B CHMN X

FIRE INSP.
PLANNER
OTHER

NOT
YET
DETERMINED

ITEMS DISCUSSED:

Netwd 1000 SF / 150 = 6.6 = 7
Eat/Drink 1/3 7x3 = 21

PRESUB CONF
3/22
TALK TO
GA.

Presub 5 copies each @ mje.

IF NO SEATS - NO P/B B.I. ONLY

IF SEATS ⇒ P/B ⇒ S/P req'd

WorksessionForm.doc 9-02 MJE

STND CHECKLIST:

PROJECT
TYPE

DRAINAGE

SITE PLAN

DUMPSTER

SPEC PERMIT

SCREENING

L L CHG.

LIGHTING

SUBDIVISION

(Streetlights)

LANDSCAPING

OTHER

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT STATUS:

ZBA Referral: Y X N

Ready For Meeting Y N

Recommended Mtg Date PRESUB 3/22

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan X Special Permit _____

Tax Map Designation: Sec. 70 Block 1 Lot 1, 2

BUILDING DEPARTMENT PERMIT NUMBER:

PA 2006 - 134
MUST FILL IN THIS NUMBER

1. Name of Project SITE PLAN FOR Tom Yu
2. Owner of Record SAMUEL LEONARDO Phone 569-7655
Address: 7 DOGWOOD HILLS ROAD - Newburgh, N.Y. 12550
(Street Name & Number) (Post Office) (State) (Zip)
3. Name of Applicant Tom Yu Phone 534-4827
Address: 40 CICILCO LANE - Highland Mills, N.Y. 10930
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan Richard D^e Kay, L.S. Phone 534-8127
Address: 4 DYER LANE - CORNWALL, N.Y. 12518-0313
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney NONE Phone —
Address —
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting:

<u>Tom Yu</u>	<u>534-4827</u>	
<u>Richard D^e Kay, L.S.</u>	<u>534-8127</u>	<u>534-4370</u>
(Name)	(Phone)	(fax)
7. Project Location: On the EASTERY side of N.Y.S. Route 32
(Direction) (Street)
8. Project Data: Acreage 1.2 AC Zone C School Dist. NEWBURGH

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NOV - 3 2006

PAGE 1 OF 2

ENGINEER & PL (PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

06-16

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No X

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) CHANGE OF USE
RETAIL TO 15 SEAT EATING FACILITY

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no X

12. Has a Special Permit previously been granted for this property? yes _____ no X

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION

SWORN BEFORE ME THIS:

13 DAY OF April 2006

[Signature]
NOTARY PUBLIC

See Proxy Enclosed

(OWNER'S SIGNATURE)

[Signature]

(AGENT'S SIGNATURE)

Don Yu (Tom)

Please Print Agent's Name as Signed

PATRICK J. DONOVAN

No. 01005015485

Notary Public, State of New York

Qualified in Orange County

My Commission Expires 07/19/2006

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TOWN USE ONLY

DATE APPLICATION RECEIVED

06-16

APPLICATION NUMBER

PROJECT I.D. NUMBER

PA-2006-134

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Tom Yu</i>	2. PROJECT NAME <i>SITE PLAN FOR Tom Yu</i>
3. PROJECT LOCATION: Municipality <i>Town of New Windsor</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>2644 Rt. 32 - 5 CORNERS - Rts - 32 - 94 - 300 (BEGIN)</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>CHANGE FROM RETAIL TO 15 SEAT EATING FACILITY</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>1/2 AC</i> acres Ultimately <i>1/2 AC</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <i>TOWN OF NEW WINDSOR - RETAIL USE</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Tom Yu</i>	Date: <i>4-13-06</i>
Signature: _____	

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If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

APR - 8 2006

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OVER

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06-16

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
Name of Lead Agency _____	
Print or Type Name of Responsible Officer in Lead Agency _____	Title of Responsible Officer _____
Signature of Responsible Officer in Lead Agency _____	Signature of Preparer (If different from responsible officer) _____
Date _____	

ENGINEER & PLANNING

REC'D BY
"XX"

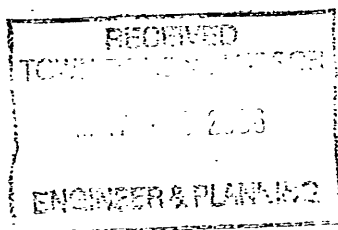
ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

Subject property Sec 70 Block 1 Lot 1.2
IS NOT IN A FLOOD ZONE -
Certified by Richard DeKeyser L.S.



00-16

TOWN OF NEW WINDSOR PLANNING BOARD

SITE PLAN CHECKLIST

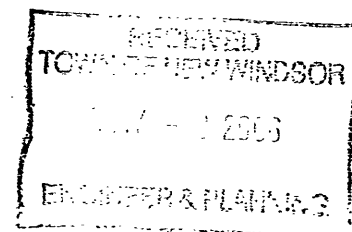
ITEM

1. ✓ Site Plan Title
2. ✓ Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:

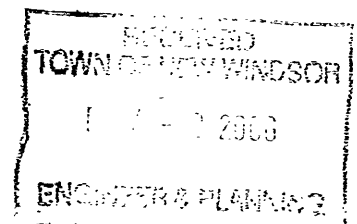


3. ✓ Applicant's Name(s)
4. ✓ Applicant's Address
5. ✓ Site Plan Preparer's Name
6. ✓ Site Plan Preparer's Address
7. ✓ Drawing Date
8. ✓ Revision Dates
9. ✓ Area Map Inset and Site Designation
10. ✓ Properties within 500' of site
11. ✓ Property Owners (Item #10)
12. ✓ Plot Plan
13. ✓ Scale (1" = 50' or lesser)
14. ✓ Metes and Bounds
15. ✓ Zoning Designation
16. ✓ North Arrow
17. ✓ Abutting Property Owners
18. ✓ Existing Building Locations
19. / Existing Paved Areas
20. ✓ Existing Vegetation
21. ✓ Existing Access & Egress



PROPOSED IMPROVEMENTS

- | | | |
|-----|--------------------|-------------------------------------|
| 22. | <u>✓</u> | Landscaping |
| 23. | <u>NA</u> | Exterior Lighting |
| 24. | <u>NA</u> | Screening |
| 25. | <u>✓</u> | Access & Egress |
| 26. | <u>✓</u> | Parking Areas |
| 27. | <u>✓</u> | Loading Areas |
| 28. | <u>NA</u> | Paving Details (Items 25 - 27) |
| 29. | <u>✓</u> | Curbing Locations |
| 30. | <u>NA</u> | Curbing through section |
| 31. | <u>NA</u> | Catch Basin Locations |
| 32. | <u>NA</u> | Catch Basin Through Section |
| 33. | <u>NA</u> | Storm Drainage |
| 34. | <u>NA</u> | Refuse Storage |
| 35. | <u>NA</u> | Other Outdoor Storage |
| 36. | <u>NA</u> | Water Supply |
| 37. | <u>NA</u> | Sanitary Disposal System |
| 38. | <u>✓</u> | Fire Hydrants |
| 39. | <u>✓</u> | Building Locations |
| 40. | <u>✓</u> | Building Setbacks |
| 41. | <u>NA</u> | Front Building Elevations |
| 42. | <u>NA</u> | Divisions of Occupancy |
| 43. | <u>NA</u> | Sign Details |
| 44. | <u>NA</u> | Bulk Table Inset |
| 45. | <u>18,500±</u> | Property Area (Nearest 100 sq. ft.) |
| 46. | <u>1,000± s.f.</u> | Building Coverage (sq. ft.) |
| 47. | <u>11.8%</u> | Building Coverage (% of total area) |
| 48. | <u>7,000± s.f.</u> | Pavement Coverage (sq. ft.) |
| 49. | <u>30%</u> | Pavement Coverage (% of total area) |
| 50. | <u>200 s.f.</u> | Open Space (sq. ft.) |
| 51. | <u>1.5%</u> | Open Space (% of total area) |
| 52. | <u>✓</u> | No. of parking spaces proposed |
| 53. | <u>✓</u> | No. of parking spaces required |



REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. NA. Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
55. NA A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

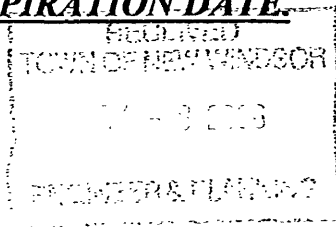
BY: Richard D. [Signature] April 13, 2006
Licensed-Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

PLEASE NOTE:

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.



AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

SAMUEL LEONARDO
(OWNER)

, deposes and says that he resides
at 7 DOGWOOD HILL ROAD - Newburgh N.Y. 12550 in the County of ORANGE
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. 70 Block 1 Lot 1,2)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he designates:

TOM YU - 40 CALICO LAKE - Highland Mills, N.Y. 10930
(Agent Name & Address)

RICHARD DEKAY, L.S. 4 DYER LAKE - CORNWALL, N.Y. 12518
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

****** Samuel Leonardo
Owner's Signature (MUST BE NOTARIZED)

13 DAY OF April 2006

[Signature]
NOTARY PUBLIC

Agent's Signature (If Applicable)
[Signature] L.S.
Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

PATRICK J. DONOVAN
No. 01005015425
Notary Public, State of New York
Quaker, Orange County
Commission Expires 07/19/2006

06-18

